IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

PETITION NO. 12 OF 2007.

Re : Marco Engineers and another . . . . . Debtors.

Ex-parte :
Advance Paints Ltd., ... Petitioning Creditors.

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Mr.Vasant Advocate for the Petitioning Creditors.

CORAM : A.M.KHANWILKAR J.
DECEMBER 4, 2007.

P. C.

1. The present Petition is founded on the Ex-parte decree passed by the Court against debtor on 11th October 2004 in Summary Suit No. 705 of 2004. As the debtors failed to pay the amount, Insolvency Notice No. N-191 of 2006 dated 11th September 2006 was issued, which was duly served on the debtor on 28th September, 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 3rd November 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditors have had no option but to take out the present action, which has been filed on 25th January 2007. The debtors have been duly served personally on 11th May 2007. Inspite of such service, none

appears for the debtors. No reply has been filed. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

A. M. KHANWILKAR, J.